

**STATE OF MICHIGAN**  
**IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW**

LATOYA CALDWELL-MARSHALL,

Plaintiff,

vs.

Case No. 19-038443-CD-3

SAGINAW TRANSIT AUTHORITY  
REGIONAL SERVICES "STARS",

Hon.

Defendant.

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MANDA L. DANIELESKI P62597  
Attorney for Plaintiff  
905 North Michigan Avenue  
Saginaw, MI 48602  
(989) 401-7890  
[westervm@gmail.com](mailto:westervm@gmail.com)

MICHAEL D. WEAVER P43985  
Plunkett Cooney  
Attorneys for Defendant  
38505 Woodward  
Suite 100  
Bloomfield Hills, MI 48034  
(248) 901-4025  
[mweaver@plunkettcooney.com](mailto:mweaver@plunkettcooney.com)

**NOTICE OF FILING REMOVAL**

TO: CLERK OF THE COURT, Saginaw County Circuit Court  
Manda L. Danieleski, Esq.

PLEASE TAKE NOTICE that Defendant, SAGINAW TRANSIT AUTHORITY  
REGIONAL SERVICES, by and through their attorneys, PLUNKETT COONEY, hereby files  
herewith, pursuant to 28 U.S.C. 1446(a), to the Clerk of the Circuit Court for the County of  
Saginaw, State of Michigan, a true copy of their Notice of Removal of this cause from the  
Circuit Court for the County of Saginaw, State of Michigan, to the United States District  
Court for the Eastern District of Michigan, Southern Division.

Respectfully submitted,

PLUNKETT COONEY

/s/Michael D. Weaver

MICHAEL D. WEAVER (P43985)  
Attorney for Defendant STARS  
38505 Woodward Avenue # 100  
Bloomfield Hills, MI 48304  
(248) 901-4025  
[mweaver@plunkettcooney.com](mailto:mweaver@plunkettcooney.com)

Dated: February 14, 2019

**STATE OF MICHIGAN**  
**IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW**

LATOYA CALDWELL-MARSHALL,

Plaintiff,

vs.

Case No. 19-038443-CD-3

SAGINAW TRANSIT AUTHORITY  
REGIONAL SERVICES "STARS",

Hon.

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**NOTICE OF REMOVAL TO UNITED STATES DISTRICT  
COURT, EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TO: HONORABLE JUDGES OF THE U.S. DISTRICT COURT  
Eastern District of Michigan, Southern Division  
Manda L. Danieleski, Esq.

Defendant, SAGINAW TRANSIT AUTHORITY REGIONAL SERVICES, in this action, originally pending in the Circuit Court for the County of Saginaw, Civil Action No. 19-038443-CD-3 hereby removes this action to the United States District Court for the Eastern

District of Michigan, Southern Division. In support of this Removal, Defendant states as follows:

1. There was commenced and is now pending in the Circuit Court for the County of Saginaw, the above action in which LaToya Caldwell-Marshall is the Plaintiff. Saginaw Transit Authority Regional Services (hereinafter "STARS") is the Defendant.
2. Defendant is seeking removal based upon a federal question presented in Plaintiff's Complaint; to wit: The Family & Medical Leave Act. Therefore, this Removal is appropriate.
3. The District Court of the United States is given jurisdiction under 28 U.S.C. 1332(a)(1), and this action is removable to this Court under 28 U.S.C. 1441(a).
4. This notice is filed with this Court within thirty (30) days after the date of service of process upon this Defendant, said service of process having taken place on or about January 25, 2019.
5. A copy of this notice shall be given to all adverse parties, as required by law.
6. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Circuit Court for the County of Saginaw, State of Michigan, as provided by law.
7. Defendant files herewith and by reference make a part hereof a true and correct copy of all process, pleadings, and orders purportedly served upon Defendant in this action.

WHEREFORE, Defendant, SAGINAW TRANSIT AUTHORITY REGIONAL SERVICES, by and through its attorneys, PLUNKETT COONEY, respectfully requests that this Court remove this action from the Circuit Court for the County of Saginaw, State of

Michigan to the United States District Court for the Eastern District of Michigan, Southern Division.

PLUNKETT COONEY

/s/Michael D. Weaver  
MICHAEL D. WEAVER P43985  
Attorneys for Defendant STARS  
38505 Woodward  
Suite 100  
Bloomfield Hills, MI 48034  
Tele: (248) 901-4025  
[mweaver@plunkettcooney.com](mailto:mweaver@plunkettcooney.com)

Dated: February 14, 2019

**PROOF OF SERVICE**

I hereby certify that on February 14, 2019, a copy of Notice of Filing Removal and Notice of Removal were filed and the attorney of record was notified via first class mail at the following address:

Manda L. Danieleski, Esq.  
Attorney at Law  
905 North Michigan Avenue  
Saginaw, MI 48602

PLUNKETT COONEY

/s/Michael D. Weaver  
MICHAEL D. WEAVER P43985  
Attorneys for Defendant STARS  
38505 Woodward  
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STATE OF MICHIGAN

**IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW**

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LATOYA CALDWELL-MARSHALL,

Plaintiff,

Case No:

19-*038443* CD 3

v.

SAGINAW TRANSIT AUTHORITY  
REGIONAL SERVICES, "STARS"

Defendant.

---

A TRUE COPY

Michael J. Hanley, *[Signature]*

MANDA L. DANIELESKI (P62597)  
Attorney for Plaintiff  
905 North Michigan Avenue  
Saginaw, MI 48602  
(989) 401-7890  
FAX (989) 401-7892  
[westervm@gmail.com](mailto:westervm@gmail.com)

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**COMPLAINT, DEMAND FOR JURY TRIAL AND PRETRIAL CONFERENCE**

There is no other pending or resolved civil action between the parties or other parties arising out of the transaction or occurrence alleged in this complaint.

**COMMON ALLEGATIONS**

NOW COMES the Plaintiff, LATOYA CALDWELL-MARSHALL, by and through her attorney, MANDA L. DANIELESKI, and hereby complains against the Defendant SAGINAW TRANSIT AUTHORITY REGIONAL SERVICES, "STARS," stating as follows:

**MANDA L. DANIELESKI, 905 N. Michigan Ave., Saginaw, MI 48602 (989) 401-7890  
COMPLAINT, DEMAND FOR JURY TRIAL, AND PRETRIAL CONFERENCE**

1. That at all times relevant herein, the Plaintiff, LATOYA CALDWELL-MARSHALL, resides in the County of Saginaw, State of Michigan.
2. That at all times, relevant herein, Defendant, SAGINAW TRANSIT AUTHORITY REGIONAL SERVICES, "STARS," is a domestic, non-profit, corporation doing business in the County of Saginaw, State of Michigan.
3. That Plaintiff was hired by the Defendant on November 15, 2016.
4. That Plaintiff was employed as an IT Specialist.
5. That Plaintiff did apply for and take leave under the Family and Medical Leave Act, otherwise found at 29 USC section 2601 *et seq.* and did exercise her rights under the Family and Medical Leave Act.
6. That the Plaintiff was terminated on February 21, 2018 after availing herself to her rights under the FMLA and for reasons which were wholly pretextual in nature.
7. That Plaintiff hereby alleges Family and Medical Leave Act retaliation and interference by her employer. She requested Family and Medical Leave, she suffered an adverse employment action, and a causal connection exists between her exercise of rights and the adverse employment action.
8. That at all times, material hereto the Defendant failed to act in good faith.
9. That Plaintiff's termination was in violation of the anti-retaliation and interference provisions of the Family and Medical Leave Act otherwise found at 29 USC section 2601 *et seq.*

10. That the Plaintiff, as a direct and proximate result of Defendant's unlawful activities, has sustained economic damages in excess of \$25,000.00 (TWENTY FIVE THOUSAND DOLLARS) exclusive of costs, attorney fees, and interest.
11. That Plaintiff, as a direct and proximate result of Defendant's unlawful activities has sustained noneconomic damages in excess of \$25,000.00 (TWENTY FIVE THOUSAND DOLLARS) exclusive of costs, attorney fees, and interest.
12. That Plaintiff has a direct and proximate result of Defendant's unlawful actions has sustained attorney fees and costs.
13. That Plaintiff also seeks liquidated damages and equitable relief pursuant to statute. 29 USC section 2617(a).

**COUNT I**  
**VIOLATIONS OF THE FAMILY AND MEDICAL LEAVE ACT**

14. That Plaintiff hereby incorporates paragraphs 1 through 13 above, as if reiterated word for word and paragraph by paragraph herein.
15. That at all times, material hereto, the Plaintiff did avail herself to rights afforded to her under the Family and Medical Leave Act; specifically, her leave was to care for Rilla Caldwell, her mother.
16. That the Plaintiff was fired on February 21, 2018 for reasons which were wholly pretextual in nature.
17. That the Plaintiff had an unblemished record prior to discharge.

18. That the Plaintiff's termination was in violation of the anti-retaliation and interference provisions of the Family and Medical Leave Act.
19. That the Defendant did discharge the Plaintiff and discriminated against her because she availed herself to a protected rights under the Family and Medical Leave Act.
20. That at all times, material hereto Defendant did fail to act in good faith.
21. That Defendant did interfere with Plaintiff's rights under the Family and Medical Leave Act.
22. That Plaintiff, as a direct and proximate result of Defendant's unlawful activities, has sustained economic damages in excess of \$25,000.00 (TWENTY FIVE THOUSAND DOLLARS) exclusive of costs, attorney fees, and interest.
23. That the Plaintiff, as a direct and proximate result of Defendants' unlawful activities, has sustained non-economic damages in excess of \$25,000.00 (TWENTY FIVE THOUSAND DOLLARS) exclusive of costs, attorney fees and interest.
24. That the Plaintiff, as a direct and proximate result of Defendant's unlawful activities, has sustained attorney fees and costs.
25. That the Plaintiff also seeks liquidated damages and equitable relief pursuant to statute. 29 USC section 2617(a).

WHEREFORE, Plaintiff, LATOYA CALDWELL-MARSHALL, prays for this Honorable Court to award damages in excess of \$25,000.00 (TWENTY FIVE THOUSAND and 0/100 DOLLARS), together with all court costs and attorney fees that are allowed under the Statute or Common Law for the violations as noted herein.

**MANDA L. DANIELESKI, 905 N. Michigan Ave., Saginaw, MI 48602 (989) 401-7890  
COMPLAINT, DEMAND FOR JURY TRIAL, AND PRETRIAL CONFERENCE**

Respectfully Submitted:

Dated: 1.7.19

~~MANDA L. DANIELESKI (P62597)~~  
*Attorney for Plaintiff*  
905 N. Michigan Ave.  
Saginaw, MI 48602  
Ph: 989.401.7890  
Fax: 989.401.7892  
[westervm@gmail.com](mailto:westervm@gmail.com)

**DEMAND FOR TRIAL BY JURY**

NOW COMES the Plaintiff, LATOYA CALDWELL-MARSHALL, by and through her attorney, MANDA L. DANIELESKI, and hereby demands a trial by jury of all issues in this cause of action unless expressly waived.

Dated: 1.7.19

Respectfully Submitted:

  
**MANDA L. DANIELESKI (P62597)**  
Attorney for Plaintiff  
905 N. Michigan Ave.  
Saginaw, MI 48602  
Ph: 989.401.7890  
Fax: 989.401.7892  
westervm@gmail.com

**DEMAND FOR PRE-TRIAL CONFERENCE**

NOW COMES the Plaintiff, LATOYA CALDWELL-MARSHALL, by and through her attorney, MANDA L. DANIELESKI, and hereby demands a Pre-Trial Conference.

Dated: 1.7.19

Respectfully Submitted:



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**MANDA L. DANIELESKI (P62597)**  
*Attorney for Plaintiff*  
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Saginaw, MI 48602  
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